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Economic and Social Council
Security Council

Distr.
GENERAL

E/1999/117
S/1999/905
20 August 1999

ORIGINAL: ENGLISH

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1999
Geneva, 5-30 July 1999
Agenda item 7
COORDINATION, PROGRAMME AND OTHER QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 20 August 1999 from the President of the Security Council to the President of the Economic and Social Council

I have the honour to acknowledge receipt of your letter dated 31 July 1999 concerning the adoption by the Economic and Social Council, at its substantive session of 1999, of resolution 1999/11, concerning the long-term strategy and development programme of support for Haiti, in line with Security Council resolution 1212 (1998).

In the view of the members of the Security Council, it is essential that, in order to ensure sustainable development in Haiti, the effort of the international community be geared towards supporting the Government of Haiti in addressing the important issues of capacity-building of its governmental institutions.

The members of the Security Council express the hope that this important contribution of the Economic and Social Council will serve to strengthen the cooperation between the Security Council and the Economic and Social Council as the United Nations attempts to assist the people of Haiti in rebuilding their country.

(Signed) Martin ANDJABA
President of the Security Council

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General Assembly
Security Council

Distr.
GENERAL

A/53/1041
S/1999/906
24 August 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 40 and 155
THE SITUATION IN THE MIDDLE EAST
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 22 August 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to refer to the letters addressed to the Secretary-General, dated 9 July 1999 (A/53/1016-S/1999/771) and 15 July 1999 (A/53/1021), from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon and the Permanent Representative of Lebanon, respectively, and the letter dated 9 August 1999 (A/53/1034-S/1999/861) from the Permanent Representative of Saudi Arabia.

The detainees referred to in the above-mentioned letters have all been active members of, or associated with, terrorist organizations such as Hizballah, an Iranian-backed group whose stated objectives include, among others, a struggle against the very existence of the State of Israel. These detainees were actively involved in terrorist activities in or from Lebanon directed against Israel.

Contrary to the allegations in the above-mentioned letters, the detainees in Israel are not being held arbitrarily, but pursuant to Israeli law applicable to all detainees. They have the right to be represented by lawyers, and their detention is subject to regular periodic judicial review. They have the right to appeal to the Supreme Court of Israel sitting as a High Court of Justice, and indeed have exercised this right. Their religious beliefs and practices are fully respected, and they received medical care and follow-up attention, as required by Israeli law for all detainees. Furthermore, the question of their continued detention is currently pending before the Supreme Court of Israel.

With regard to the El-Khiam detention facility in southern Lebanon, it is widely known that the South Lebanon Army exercises independent authority and responsibility over all aspects of the functioning of this facility. Israeli personnel are neither stationed there nor involved in its maintenance.

While Israel is not in a position to dictate to the South Lebanon Army the manner in which the El-Khiam facility is managed, it has nonetheless sought to encourage the establishment and enhancement of adequate conditions and improved standards for the detainees therein. Indeed, a recent report of the International Committee of the Red Cross (October 1998) confirmed that the South Lebanon Army has taken steps towards improving the conditions at El-Khiam. Furthermore, the El-Khiam facility, to the best of our knowledge, is the only one of its kind in Lebanon, regularly visited and supervised by ICRC. Family visits also take place there on a regular basis. Israel continues to encourage further improvement of conditions in the prison.

Clearly, the full implementation of Security Council resolution 425 (1978), in its entirety, remains the key element for resolving all problems arising within southern Lebanon. This resolution calls not only for the withdrawal of Israeli forces but also for the restoration of international peace and security along the common border and the return of the effective authority of the Lebanese Government in the area.

The volatile situation in southern Lebanon is a direct result of Lebanon's refusal to accept Israel's offer to implement resolution 425 (1978). The Government of Lebanon is thus directly responsible for this situation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 40 and 155, and of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative

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Distr.
GENERAL

S/1999/907
24 August 1999

ORIGINAL: ENGLISH

LETTER DATED 24 AUGUST 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, pursuant to paragraph 10 of Security Council resolution 1242 (1999), a report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait. The report was approved by the Committee on 24 August 1999.

(Signed) A. Peter VAN WALSUM
Chairman
Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

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Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995)

I. INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 10 of resolution 1242 (1999), in which the Committee was requested, in close coordination with the Secretary-General, to report to the Security Council 90 days after the entry into force of paragraph 1 of that resolution on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995). By paragraph 1 of resolution 1242 (1999), the Council decided that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, would remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time on 25 May 1999.

2. The present report, the eleventh of its kind, covers the Committee's major activities with regard to the implementation of the above-mentioned arrangements during the first 90-day period of phase VI of the oil-for-food programme after paragraph 1 of resolution 1242 (1999) came into force on 25 May 1999.

II. SALE OF PETROLEUM AND PETROLEUM PRODUCTS

3. Since the beginning of phase VI the export of petroleum from Iraq has proceeded smoothly, with excellent cooperation among the oil overseers, the independent inspection agents (Saybolt), the Iraqi State Oil Marketing Organization and the national oil purchasers.

4. The overseers continued to advise the Committee on the oil pricing mechanisms, oil contract approval and modifications, management of the revenue objective and other pertinent questions related to export and monitoring, under Security Council resolutions 986 (1995), 1175 (1998) and 1242 (1999).

5. There was an increase in the total level of oil exports from Iraq during phase V, with a larger share of crude oil exported from Mina al-Bakr. That trend has continued thus far in the current phase. The Committee recalls in this connection its note dated 22 April 1999 and will keep this situation under review.

6. As at 12 August 1999, the Committee, acting upon the recommendation of the overseers, had reviewed and approved a total of 78 oil contracts for the sale of oil in phase VI, involving purchasers from 33 countries. The total quantity of oil approved for export under those contracts is approximately 371 million barrels for phase VI. All contracts submitted used the pricing mechanisms approved by the Committee, on the recommendation of the overseers.

7. As at 12 August 1999, 116 liftings, totalling 149.1 million barrels worth US$ 2,465 million, have been completed. Letters of credit opened for each of the liftings were reviewed and confirmed by the overseers in accordance with the terms and conditions of the approved contracts. About 45 per cent of the liftings were made at Ceyhan in Turkey. At current prices, the total revenue for phase VI is estimated to be potentially around $6.5 billion, including the pipeline fees valued at $201 million, subject to appropriate authorization of revenues above the amount authorized by the Security Council. The Committee recalls the decision of the Security Council to keep the arrangements of resolution 1242 (1999) under review.

8. The overseers have worked with the independent inspection agents (Saybolt) to ensure the effective monitoring of the relevant oil installations and the liftings. They have received the full cooperation of the Iraqi authorities.

9. Pursuant to paragraph 2 of the procedures of the Committee (S/1996/636), 367 national oil purchasers, who are authorized to communicate directly with the overseers, have been nominated from 60 countries.

10. Pursuant to paragraph 14 of the procedures of the Committee, the overseers have continued to report to it once a week on the contracts considered by them regarding the sale of petroleum originating in Iraq, including the cumulative quantity and approximate value of petroleum authorized for export. To date, 138 reports have been submitted to the Committee.

11. After the departure of one oil overseer, as at 1 July 1999 one oil overseer remains on duty. Pursuant to paragraph 1 of the procedures of the Committee for the implementation of the oil-for-food arrangements (S/1996/636), the Committee will continue its consideration of the question of filling the vacancies in the team of overseers. The Committee is concerned about the situation and is committed to reaching a solution as soon as possible. In the meantime, the remaining overseer attends diligently to current affairs.

III. HUMANITARIAN SUPPLIES TO IRAQ

12. As in previous phases, during the first 90-day period of phase VI, the Committee continued to attach high priority to the work of processing contracts for the supply of humanitarian goods to Iraq.

13. As at 15 August 1999, the Secretariat has received 1,163 applications under phase V for exports of humanitarian supplies to Iraq. Of that total, 16 were subsequently cancelled, 967 have been circulated to Committee members for action and 180 are still being processed. Of those sent to the Committee for consideration, 773 have been found eligible for payment from the United Nations Iraq Account, totalling approximately $1.4 billion; 20 are still pending under the "no-objection" procedure; and 174, with a total value of $297,508,166, have been placed on hold. During the same period, the Secretariat has received 125 applications under phase VI for exports of humanitarian supplies to Iraq. Sixteen of this total have been circulated to Committee members for action and 109 are still being processed. Of those sent to the Committee for consideration, 9 have been found eligible for payment from the United Nations

Iraq Account, totalling approximately $125 million; 2 are still pending under the "no-objection" procedure; and 5, with a total value of $8,245,502, have been placed on hold.

14. It should be noted in this connection that the Secretariat has been unable to circulate to the members of the Committee increasing numbers of contracts it has received during this period which contain payment mechanisms that are considered to be inconsistent with the existing arrangements, as well as the guidelines and procedures of the Committee. This has caused a delay in the circulation of such contracts. The Government of Iraq has begun to amend the affected contracts to bring them into conformity with the Committee's guidelines and procedures.

15. The work of goods-arrival confirmation by the United Nations independent inspection agents (Cotecna) has continued according to the established procedures, at the four entry points to Iraq at Al-Walid, Trebil, Umm Qasr and Zakho. As in previous phases, the Iraqi authorities have accorded the independent agents full cooperation in their work. During the first half of phase VI, 4,012 consignments of humanitarian supplies from previous phases have been confirmed as having arrived in Iraq in total or in partial shipments.

16. Members of the Committee reviewed the situation with regard to holds on 18 June 1999. The Committee intends to convene another meeting during this phase to review humanitarian contracts that have been placed on hold.

IV. MATTERS RELATING TO OIL SPARE PARTS AND EQUIPMENT FOR IRAQ

17. By paragraph 2 of resolution 1175 (1998), the Security Council requested the Committee, or a panel of experts appointed by the Committee, to approve contracts for the parts and equipment referred to in paragraph 1 of that resolution according to lists of parts and equipment approved by the Committee for each individual project. By paragraph 3 of the resolution, the Security Council further decided that up to a total of $300 million from the escrow account might be used for that purpose. That arrangement was reaffirmed by paragraph 9 of resolution 1242 (1999).

18. The Committee has been making continuous efforts to expedite the approval process for contracts for sending oil spare parts and equipment to Iraq in accordance with existing procedures. To that end, the Committee invited the oil experts from Saybolt Nederland BV, the independent agents monitoring Iraq's oil export under resolution 986 (1995), to brief the Committee on 13 July 1999 on the need for Iraq to import spare parts and equipment necessary to increase its oil output. Earlier in July, the Secretary-General submitted to the Security Council the report of a group of experts on the general situation of the oil industry of Iraq (S/1999/746, annex).

19. During the period covered by the present report, the Secretariat has received 316 new applications valued at $9,553,320 to ship oil spare parts and equipment to Iraq and circulated 327 applications to the members of the Committee for consideration, including those left from previous resolutions. A total of 174 applications with a value of $56,038,663 have been approved during

this period, including 16 applications valued at $5,667,340 which were released from previous holds since the Committee's last report. At the same time, 197 contracts valued at $91,691,605 have been placed on hold (34 of them, valued at $11,387,725, subsequently released from holds). As at 15 August 1999, applications remaining on hold number 262, with a value of $124,058,269.

20. From the beginning of the process until 15 August 1999, the number of applications received by the Committee to ship oil spare parts and equipment to Iraq under previous resolutions has reached a total of 1,089 with a value of $562,138,357. Of these, 936 have been circulated to the members of the Committee for consideration; 5 are being reviewed by Committee experts awaiting amendments to the distribution plan; 114 have been returned to the applicant missions for clarification; and 34 have been declared null and void. Of the 936 applications circulated, 653 have been approved with a total value of $320,477,650; 262 valued at $124,058,269 have been placed on hold; and 21 applications are pending under the "no-objection" procedure. As at 15 August 1999, 201 such shipments have arrived in Iraq in total or in part.

21. Members of the Committee reviewed contracts for oil parts and equipment that were placed on hold on 13 July 1999 and the Committee intends to convene another meeting during this phase to review the situation.

V. OTHER ACTIVITIES

22. The Committee held three formal meetings and seven informal consultations at expert level during the reporting period to discuss various issues related to the implementation of the oil-for-food programme. The Committee considered, inter alia, the following issues:

(a) Members of the Committee discussed a report of the Board of Auditors on the audit of the United Nations Escrow Account (the Iraq Account) for the period from 1 January to 30 June 1998. In a letter dated 26 July 1999 addressed to the Secretary-General, who forwarded the report to the Committee, the Committee expressed its concern with regard to the absence of specific audits of the operations of United Nations implementing agencies under resolution 986 (1995). The Committee would welcome future reporting on management audits of the agencies' activities related to resolution 986 (1995).

(b) Members of the Committee discussed a paper prepared by the Office of the Iraq Programme concerning contracts with payment mechanisms for the 53 per cent account under Security Council resolution 986 (1995) (the so-called "retention contracts"). There was agreement among members of the Committee that both the supplier and the purchaser should be notified in each case to amend the contracts before circulation in accordance with the standard approved guidelines of the Committee.

(c) Members of the Committee continued discussions on the issue of reimbursement from the 13 per cent account to the 53 per cent account for joint purchases of bulk food and medicines. As at 23 August 1999, the accumulated reimbursable balance totals $199.9 million.

VI. CONCLUSIONS

23. The Committee is committed to working closely with the Office of the Iraq Programme and all parties concerned to ensure the effective implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995). As in the past, the Committee wishes to reiterate its appreciation to all parties concerned for their cooperation and contribution in this regard.

UNITED
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Security Council

Distr.
GENERAL

S/1999/908
24 August 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1212 (1998) of 25 November 1998, by which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) until 30 November 1999 in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, ... including mentoring Haitian national police field performance and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources. In that resolution, the Council requested me to report on the implementation of the resolution every three months from the date of its adoption until the expiration of the mandate of MIPONUH.

2. The present report covers the activities of MIPONUH and developments in the mission area since my report of 19 May 1999 (S/1999/579). As requested in paragraph 11 of resolution 1212 (1998), this report includes further comments on a viable transition to other forms of international assistance beyond those made in previous reports, for the consideration of the Council. These recommendations are based on the continuing consultations of my Representative in Haiti and the head of MIPONUH, Julian Harston, with the group of the Friends of the Secretary-General for Haiti, namely, Argentina, Canada, Chile, France, the United States of America and Venezuela, and with the Haitian authorities, including the Haitian National Police (HNP).

II. POLITICAL SITUATION

3. The period under review was marked by continuing negotiations, interrupted by repeated discord, and slow progress between the political parties and the Government of Haiti on how to continue to provide essential Government services, such as police and customs services, and how to further the cause of democracy through the organization of legislative and municipal elections. The process was a difficult one mainly because of the weaknesses of key Government institutions. The balance of powers foreseen in the Constitution of 1987 was disrupted by the non-functioning Parliament which had been declared invalid by

President René Préval on 11 January 1999. Nothing has been done to meet the provisions of the agreement of 6 March 1999 between President Préval and the so-called Espace de concertation, composed of a coalition of five opposition groups – Comité national du Congrès des mouvements démocratiques (KONAKOM), Komiti Inite Demokratik (KID), Génération 2004, Parti nationaliste progressiste révolutionnaire haïtien (PANPRA) and Ayiti Kapab – which called for a meeting of the President of the Republic, the President of the Senate and the President of the Supreme Court to discuss this matter and how to alleviate the loss of power of the legislators (see S/1999/579, paras. 3-6).

4. On 24 May 1999, Prime Minister Jacques-Edouard Alexis presented his Government Action Plan, outlining in detail the priorities and resource allocations for each of the 15 Government ministries. The plan was well received in Haiti by some political parties.

5. During the period under review, a few highly visible developments and incidents served to heighten the perception of an increase in public insecurity. On 28 May 1999, the President of the Chamber of Commerce, Olivier Nadal, led a well-attended rally against anarchy and insecurity at the Champs de Mars in Port-au-Prince. The demonstration was sponsored by some 40 business groups, trade unions and civic groups. It was also supported by both right wing and mainstream political parties, including the Espace de concertation and the Organisation du peuple en lutte (OPL). The rally, however, was marred by violence when counter-demonstrators attacked participants; it was then closed down by the police for security reasons. Public opinion was divided on the aborted demonstration. Critics of the Government and the police, among them the coordinator of OPL, Gérard Pierre-Charles, and the leader of the Mobilisation pour le développement national (MDN), Hubert de Ronceray, insisted that the police had failed an important test, namely protecting bonafide advocates of social peace and understanding. The spokesman for Lafanmi Lavalas, Yvon Neptune, responded that the demonstrators and, more importantly, their organizers had in fact a predominantly political agenda that was directed against the Government and had gathered under the guise of a generally appealing pro-security theme, which they were exploiting for partisan purposes. There were suggestions made on behalf of Lafanmi Lavalas that the confrontation at the demonstration had been deliberate.

6. The murders at Carrefour-Feuilles on 28 May 1999 provided further cause for concern about the security situation in Haiti, as well as the functioning of the police and the administration of justice. On that day – the same day as the demonstrations – officers of the Haitian National Police, under the command of Port-au-Prince commissaire Coles Rameau, allegedly killed 11 detainees in Carrefour-Feuilles, a neighbourhood south of the city centre. Prime Minister Alexis quickly called for a full-scale inquiry into the killings. The principal suspect, Coles Rameau, who had fled the country, was apprehended in Santo Domingo, extradited to Haiti and subsequently detained in Port-au-Prince.

7. In response to claims from families of the victims that the Government was doing too little too late, a special commission was established to investigate the murders, but the Government's actions failed to dispel the public's widespread concern about the official handling of the incident. The delay in the inquiry and in the formal interrogation of the major suspects has now,

unfortunately, devalued the creditable urgency with which initial action was taken.

8. During the period under review, there were street demonstrations, some of them violent and often marked by vandalism. In July, workers at the capital's port went on strike in protest against the Government's plan to privatize the port. They also demanded the dismissal of the Director-General of the National Port Authority because of alleged mismanagement. The strike, which lasted for three days, ended after President Préval and Prime Minister Alexis visited the port. Subsequently, on 5 and 6 August, there were poorly-attended demonstrations by some "popular organizations" in Port-au-Prince demanding the removal of the Canadian, French and United States Ambassadors to Haiti, as well as that of some Haitian Government officials.

9. An incident involving a vehicle of the United States Support Group further increased the perception of a deterioration in public security. On 4 June 1999, American soldiers abandoned a jeep which had suffered mechanical problems in Port-au-Prince. The vehicle was subsequently set alight by demonstrators chanting anti-American slogans.

10. During the past months, the newly established Provisional Electoral Council (CEP) has worked hard to organize the long-delayed local and legislative elections. It conducted in-depth consultations with the Government, civil society and political parties, with the notable exception of OPL and Lafanmi Lavalas, both of which refused invitations to meet with CEP.

11. On 11 June, the Council announced that it had drafted an electoral text to replace the Electoral Law of 1995. The initial text proposed by CEP was noteworthy insofar as it provided for the election of 19 rather than 17 Senators, which implied that CEP had chosen to ignore the controversial election results of April 1997, from which two Lafanmi Lavalas candidates, Yvon Feuillé and Fourel Célestin, had emerged as Senators-elect according to the previous CEP. Playing down the political significance of this development, a CEP spokesperson explained that the Council had not actually annulled the April 1997 elections, but had simply taken into account the fact that Messrs. Feuillé and Célestin had never been inducted into the Senate and that therefore their seats were vacant.

12. The Council's initial draft of the electoral law elicited favourable comments from a large number of political parties, including OPL and the member parties of the Espace de concertation. However, Lafanmi Lavalas was critical of the draft because it did not endorse the April 1997 election results. It declared that it would accordingly challenge CEP in court. Some supporters of Lafanmi Lavalas threatened large-scale unrest in the streets unless the draft were changed.

13. President Préval expressed numerous reservations about the text and the time taken by the Council to produce it. He called for a change to its article 130, which specified the number of Senate seats to be contested in the elections.

14. On 16 July, President Préval and Prime Minister Alexis, on behalf of the Government, signed an electoral law, which CEP had modified to reflect the President's concerns, and which now calls upon CEP to determine the number of vacant seats in the Senate. The law was promulgated in the Government publication Le Moniteur of 22 July 1999 without the signatures of the President and the Prime Minister. Some of the political classes would have preferred the law to be called a "pact" since it had not received parliamentary approval. OPL, despite initial opposition to the conduct of the elections, has recently indicated that it will participate in the elections. Lafanmi Lavalas has also agreed to participate in the elections.

15. It appears that the first round of elections may be held by mid-December 1999, but CEP has been reluctant to issue a formal calendar with official dates for the elections. According to a preliminary budget drawn up by CEP in collaboration with major donors, the Council requires an election budget of some US$ 18 million. The Government of Haiti has guaranteed half of that amount. The budget does not include civic education, electoral observation, technical assistance and security costs, but does include costs for voter registration cards. Donor countries have pledged to assist CEP. The United States of America and the European Union are expected to be the two largest donors. Most of the contributors to the Trust Fund for electoral assistance to Haiti have agreed to the use of the balance of their contributions to provide technical assistance to CEP for the upcoming elections. There have also been pledges of additional bilateral support for other programmes related to the electoral process, such as voter education and national observers.

16. During this entire process, my Representative and the Ambassadors of the Friends of Haiti, as well as other leading bilateral and multilateral parties, closely coordinated their efforts to assist CEP and the Government of Haiti. A further visit to Haiti by former President Oscar Arias of Costa Rica also took place under the auspices of the United Nations Development Programme (UNDP).

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

17. As will be recalled, the Security Council mandated at the outset of the Mission that it should be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel. On 20 August 1999, the civilian police element of MIPONUH comprised 279 officers from 10 countries (see annex). In accordance with its mandate, MIPONUH has continued to deploy its civilian police component throughout Haiti's nine départements, while the special police unit has remained deployed in Port-au-Prince. The special police unit has continued to provide security for Mission personnel and property on a 24-hour basis.

18. Training remains an essential element of the Mission's contribution to the professionalization of the Haitian National Police. Since June 1999, as agreed with the HNP training department (Direction des écoles et de la formation), the HNP departmental directors have been entrusted with the task of carrying out police training at the departmental level. Monthly training modules are established by MIPONUH, approved by the training department and taught by HNP

instructors at the commissariats in the capitals of the départements. Civilian police officers have remained at their side, but primarily as technical advisors, not as teachers. In this manner, approximately 300 police officers receive formal instruction in a wide range of subjects relevant to police work every week. The present training procedures have been designed to facilitate the transition to the post-MIPONUH era.

19. In addition, civilian police officers continue to provide technical assistance to HNP by mentoring their Haitian police counterparts during their daily activities (accompagnement). These activities include criminal investigation, crowd control, community policing, maintenance of police registers, logistics, personnel management and report writing. Civilian police officers are also deployed in the offices of the Director-General and the Inspector-General to assist with the administrative efficiency of the two offices.

20. The Director-General of the Haitian National Police has expressed concern about security in the upcoming electoral period, and has requested MIPONUH to assist in preparing the HNP local crowd-control units (Unités de maintien de l'ordre) for possible insecurity during that time. These preparations will be carried out in August and September by senior HNP personnel under the guidance of civilian police officers.

21. The Mission continues to coordinate its technical assistance with the programmes of UNDP and with bilateral donors such as the Canadian International Development Agency-Royal Canadian Mounted Police (CIDA-RCMP), the French bilateral programme and the International Criminal Investigative Training Assistance Programme (ICITAP) of the United States of America. MIPONUH also works closely with the joint United Nations-Organization of American States (OAS) International Civilian Mission in Haiti (MICIVIH) to help ensure that HNP officers have the necessary understanding of human rights issues.

22. As part of the transition to a post-MIPONUH police environment and in order to enable the Haitian National Police to pursue its professionalization and reinforce its institutional structure without interruption, efforts are currently under way to install technical advisors as counterparts to key HNP officers before the expiration of the Mission's mandate. The experience of previous mandate periods has shown that such advisors are most effective when they work with counterparts at higher decision-making levels. It is planned that approximately 60 such advisors will be posted before the end of the year. A draft schedule by the MIPONUH civilian police Commissioner proposing the deployment of 32 United Nations advisors, 17 CIDA advisors, 12 ICITAP advisors and one advisor from the French bilateral programme was reviewed by donor representatives during a coordination meeting on 13 July and is currently being considered by the Director-General of HNP and other participants in police training in Haiti. Thirty-four of these advisors would be working at HNP headquarters (Direction générale) and the remaining 28 with the departmental directors in Port-au-Prince and the provinces.

IV. HAITIAN NATIONAL POLICE

23. Since April 1999, the Haitian National Police has been the target of criticism from a number of political actors. Some "popular organizations", in particular those close to Lafanmi Lavalas, have called for the resignation of high-ranking officials of the security apparatus - the Secretary of State for Public Security and the Director-General and Inspector-General of HNP. Numerous demonstrations, involving barricades across Port-au-Prince streets and burning tyres, have dramatized these calls for changes in the police hierarchy.

24. During the reporting period two key events contributed to the perception that public security had deteriorated, namely, the Carrefour-Feuilles killings and the aborted demonstration against anarchy and insecurity on 28 May 1999 (see paras. 5-7 above). The situation did not deteriorate further during the second half of the reporting period, however. Following the Carrefour-Feuilles massacre and the action of the Haitian National Police at the demonstration, HNP has reviewed its procedures. As a result, it has reduced policing operations that could be perceived as aggressive, so as to avoid similar incidents in the future. Nonetheless, the national crowd-control units (Compagnies d'intervention et de maintien de l'ordre) have successfully intervened on a number of occasions when their involvement appeared necessary. HNP continues meeting with local authorities and popular organizations in order to strengthen community policing.

25. In addition to accusations of involvement in extrajudicial killings and reports of ill-treatment during arrests and interrogations, HNP continued to address the involvement of some police officers in drug trafficking. While a number of police officers implicated in such illicit activities have been arrested, detained and are awaiting trial, HNP is aware of the fact that it must further reinforce its capacity to fight illegal drugs, especially along Haiti's southern coastline, and police officer complicity. The problems created by allegations of unprofessional police conduct continue to be taken very seriously by Haitian Government authorities and other concerned parties. The number of HNP officers currently stands at 6,100.

26. MIPONUH was compelled to react swiftly to what appeared to have been some of the worst human rights abuses by HNP officers since the restoration of constitutional order and the inception of HNP in 1995. My Representative publicly expressed his condemnation of the acts perpetrated at Carrefour-Feuilles, allegedly by police officers. He called on HNP to suspend immediately any officer suspected of involvement in the affair. The authorities did react quickly and arrested four police officers, one of them in cooperation with the police forces of the Dominican Republic. Another police officer suspected of involvement has recently been detained. Given the seriousness of the situation, the Government arranged for an official funeral for the victims of Carrefour-Feuilles and for the payment of indemnities to their families. In addition, the Ministry of Justice has established a special commission composed of three judges to further investigate this crime.

27. A new director of the police judiciaire has recently been appointed by the Director-General of HNP. He has undertaken to continue reforms in the areas of administration, operations and training.

28. The senior management of HNP have been working with the Mission, UNDP and bilateral donors to develop a post-MIPONUH technical assistance programme. Similarly, the HNP management have developed a concrete proposal for their needs to ensure security during the electoral process.

V. JUSTICE SYSTEM

29. Developments in the justice system were uneven during the period under review. Overall, while there have been a few positive developments, the judicial system continues to be plagued by serious deficiencies which undermine individual rights, due process and the rule of law (see S/1999/181, para. 24). The absence of significant judicial reform remains an obstacle to institutional development in Haiti.

30. On 21 May, a Court for Minors was inaugurated in Port-au-Prince. This constitutes an important element in judicial institution building. In June, 117 juges de paix from 80 tribunaux de paix graduated from the Ecole de la magistrature after completing six weeks of training to improve their professional competence.

31. On 29 June, in commemoration of the fourth anniversary of the establishment of the penal administration (Direction de l'administration pénitentiaire), the Director of Prison Administration held "open days" at the National Penitentiary and Fort National prisons in Port-au-Prince during which journalists were invited to inspect prison conditions. While there has been a marked improvement in conditions at the National Penitentiary, problems of overcrowding and poor infrastructure persist in other prisons. On 23 July, there was a prison riot in Les Cayes which was partly caused by overcrowding.

32. It is of particular concern that a considerable number of detainees continue to be held in prolonged pre-trial detention in violation of international treaties ratified by Haiti which specify that detainees shall be entitled to trial within a reasonable time, or should be released. The Government Prosecutor is currently blocking the release of a group of individuals, nine of whom have been held in detention for over 1,000 days, by not implementing the judicial release orders, including writs of habeas corpus.

33. After some delay, a special commission of three judges was established by the Minister of Justice, Camille Leblanc, to investigate the Carrefour-Feuilles killings. The principal suspects have been brought before the special commission for interrogation. The public is concerned and expects concrete results, and it is hoped that no further delays will be experienced in the completion of the judicial inquiry.

34. In a drug-related matter, a cocaine trafficking suspect en route between the Jacmel prison and the police station in Jacmel was freed by a group of armed individuals on 25 July. The case is currently under investigation and the Ministry of Justice has devoted considerable resources to it.

35. The preparations for the trial of the alleged perpetrators of the 1994 massacre in the Gonaïves neighbourhood of Raboteau made some progress. In June,

the Ministry of Justice held a three-day reconstruction of the events (reconstitution des faits) at the site of the massacre.

36. The prison administration continues to receive technical assistance support from UNDP. Internal rules and regulations, prepared with the assistance of UNDP, have been published, and their adoption should lead to an improved functioning of the prison administration. Without additional donor support, however, UNDP will face increasing difficulty in continuing its support to the prison sector. Continued penal reform remains necessary for Haiti to establish an effective judicial system.

37. In June, the Special Rapporteur of the Commission on Human Rights on violence against women, Radhika Coomarswamy, visited Haiti at the invitation of the Minister of Justice, Camille Leblanc, to gather information on the subject.

38. In my letter dated 6 August 1999 to the President of the General Assembly (A/54/211), it was noted that, owing to recent financial constraints, OAS had withdrawn almost all of its personnel from MICIVIH as from 1 July 1999. This led to the closure of MICIVIH offices in Port-de-Paix, Fort-Liberté, Hinche, Jacmel and Jérémie and a related curtailment of human rights monitoring operations in those locations. The United Nations and OAS have however agreed to continue their cooperation in MICIVIH as a joint mission, for which MIPONUH provides administrative and logistical support.

39. The office of the Ombudsman has indicated that, to the extent permitted by its budgetary and human resources, it will strive to carry out some of the services previously provided by MICIVIH. There is a continuing need for Member States to support financially the work of this office.

VI. DEVELOPMENT ACTIVITIES

40. As a result of the recommendations of the electoral assessment mission undertaken in April 1999 by the United Nations (see S/1999/579, para. 9), UNDP launched, in June 1999, a technical assistance project to assist the Provisional Electoral Council in organizing the planned local and legislative elections. At the request of CEP, UNDP is also facilitating technical coordination among the various international partners involved, including through the organization of weekly coordination meetings. UNDP regularly provides all the necessary technical information on the electoral process to my Representative, who in turn informs the Ambassadors of the Friends of Haiti and other interested donors.

41. UNDP has produced a project description for technical assistance to CEP for the upcoming elections. Implementation of this project is already under way. As noted in paragraph 15 above, most of the donors to the Trust Fund for electoral assistance to Haiti have already given their agreement to the use of the balance of their past contributions for such technical assistance. The UNDP technical assistance team to CEP is currently composed of two senior experts and one United Nations Volunteer. An additional six Volunteers are working on electoral issues in the country, and five more could be recruited as the electoral process advances. These Volunteers would be deployed in the departmental electoral offices. UNDP technical assistance is closely

coordinated with assistance provided by the International Foundation for Electoral Systems and other bilateral donors.

42. The United Nations system has continued to progress, under the leadership of the United Nations Resident Coordinator, towards the preparation of a common country assessment, which is a key step in the Secretary-General's reform programme for the creation of a United Nations Development Assistance Framework. The goals, methodology and process of the common country assessment have been further defined during two high-level meetings between Prime Minister Alexis and the Resident Coordinator. The Government will be fully involved in the formulation of the assessment, which is expected to be completed by the end of this year.

43. On 20 and 21 May 1999, an inter-agency meeting, held at Barahona, Dominican Republic, was attended by the United Nations country teams from Haiti and the Dominican Republic. That meeting brought together representatives of United Nations agencies and missions working in the two neighbouring countries, including UNDP, the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the World Bank, the World Health Organization (WHO), the International Organization for Migration (IOM), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), UNAIDS, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Food and Agriculture Organization of the United Nations (FAO), as well as MIPONUH. The representatives discussed operational arrangements for a more coordinated intervention on both sides of the border. During the meeting, a particular focus was given to migration and human rights issues. A series of joint initiatives and activities were defined and are now being followed up. The two UNDP Resident Coordinators have pledged to organize a second meeting in Haiti before the end of the year.

44. Other noteworthy activities of the United Nations system during the reporting period were the launching by UNDP of its four preparatory projects in the areas of governance, environment, employment and disaster prevention and management; the signing of an important agreement between the Government, UNDP and the United Nations Capital Development Fund for a local governance and eco-development programme in the north-eastern <u>département</u>; the visit to Haiti, at the invitation of UNDP, of experts from the Economic Commission for Latin America and the Caribbean to include data and information on Haiti in the regional follow-up report of the World Summit for Social Development; the signing of an important agreement for a health and nutrition project between WFP and the Haitian Ministry of Health; the final preparation work on two other WFP projects in the areas of literacy and family food production; the launching by FAO of a major sustainable agriculture and soil and water conservation project; the follow-up by UNICEF of the Lima IV Accord on the reviewed goals of the World Summit for Children for the Americas and the launching of the 1999 UNICEF report on the progress of nations; the finalization by UNESCO and IOM of a study on vocational training needs in the north-eastern <u>département</u>; the organization by UNESCO of working meetings between Haitian and Dominican academics in the framework of the preparation of a planned joint Haiti-Dominican Republic colloquium on the abolition of slavery; continued support by UNFPA for the preparation of the fourth population census; and the organization by IOM and the

National Office for Migration, with support from UNDP and UNFPA, of a seminar on migration and migration policy.

45. On 12 July, the UNDP 1998 Human Development Report was publicly presented during a joint conference of the Prime Minister, the Minister of Planning and External Cooperation and the UNDP Resident Representative. The presentation was followed by public information events.

VII. POSSIBLE SUPPORT TO HAITI AFTER THE UNITED NATIONS CIVILIAN POLICE MISSION

46. In my last report on MIPONUH (S/1999/579), some recommendations were presented on a possible transition to other forms of international assistance to the Haitian National Police following the expiration of the Mission's mandate. In general terms, the views expressed in that report and the plan of action outlined in paragraph 39 remain valid. The Government of Haiti itself must prepare to assume full responsibility for the further strengthening and effective functioning of the Haitian National Police. To this end, the police authorities continue to develop a two-year technical assistance programme designed to provide the service with the expertise to carry out training and institution-building and to ensure the necessary continuity in the efforts of MIPONUH. The programme foresees the recruitment of international police advisors to work throughout Haiti with HNP. To further the preparation of the programme, regular meetings have been held by interested parties, including MIPONUH, UNDP, ICITAP (USA), CIDA (Canada) and the French bilateral programme. With this preparation and coordination, the Haitian National Police should be prepared and able to take advantage of the aid which, it is hoped, will continue to be offered by multilateral and bilateral donors.

47. In accordance with the resolution adopted by the Economic and Social Council on 27 July 1999, another possible scenario, which would go beyond the provision of police advisors by the above-mentioned donors, is currently under consideration. Taking into account the special challenges which continue to face Haiti, the Economic and Social Council recommends to the General Assembly to consider devising a United Nations special training and technical assistance programme for HNP. Subject to the availability of resources, police advisers would continue to assist the Government of Haiti with the training and professionalization of the Haitian National Police. Should the General Assembly decide to establish a new mission, it could also incorporate the current UNDP technical advisors.

48. In paragraph 8 of its resolution, the Economic and Social Council also recommends to the General Assembly to review all aspects of the mandate and operations of the International Civilian Mission in Haiti in the light of the situation in the country and to consider renewing the mandate of the United Nations component of the Mission. It would appear appropriate at this juncture to review the extent to which some of the functions currently exercised by the two existing missions in Haiti - MIPONUH and MICIVIH - could be combined in one integrated mission. Again subject to the availability of resources, a new United Nations mission could thus discharge responsibilities in the areas of human rights monitoring and institution-building to provide support to both the

justice sector and the Haitian National Police. The new mission would encourage the Haitian authorities to pursue the reform and strengthening of Haiti's system of justice, including its penal institutions; verify the observance of human rights standards and support the promotion and protection of human rights; and assist with the development and strengthening of the institutions of democratic governance, including civil society.

49. The Economic and Social Council also recommends the continued presence in Haiti of an office of a Representative of the Secretary-General to continue his good offices in the country and to manage any new civilian mission mandated by the United Nations. Following the expiration of the mandate of MIPONUH, such an office could help the Government of Haiti with the transition from the Security Council-mandated assistance of the last five years to a new model of police development in the context of the continuing consolidation of democracy. In addition, the office would manage any new United Nations civilian mission, facilitate continuing dialogue among key actors in Haiti and the international community, support the democratization process, help to mobilize international political and financial support for Haiti and provide the political framework and focal point for integrating and coordinating the activities of the international community. The present excellent arrangement whereby the UNDP Resident Coordinator is the deputy to my Representative should be continued.

50. My Representative in Haiti has undertaken to ensure that great care will be taken during the next three months so that the aspirations of the Government of Haiti and the recommendations of the Economic and Social Council are taken into account when implementing any possible decision of the General Assembly concerning the transition from a peacekeeping mission to a post-peacekeeping presence, regardless of the form such a presence might take. In particular, he remains involved with the Haitian authorities and interested parties in looking into the modalities of any post-MIPONUH structure. In order to ensure continuity, immediate and effective action would need to be taken by interested Member States and the Government of Haiti to put the necessary measures in place following any General Assembly resolution to establish an appropriate follow-on structure to MIPONUH.

VIII. OBSERVATIONS

51. The Haitian authorities have identified some of the short-term needs of Haiti and the means of meeting those needs in a governmental Plan of Action. The Government has also entered into a dialogue with its international partners to work on long-term plans for the development of Haiti. It is now essential that all of the country's political actors commit themselves to ensuring that the forthcoming electoral process will lead to a reinforcement of Haiti's institutions, which will form the basis for its long-term sustainable development. It is the overriding responsibility of Haiti's political leaders, past and present, to involve themselves in a constructive dialogue and to become real partners in their country's future.

52. Although CEP has made progress towards the holding of local and legislative elections, it unfortunately continues to face organizational and financial problems in meeting the exacting timetable which would allow the elections to be

held by the end of 1999. I hope that bilateral donors will find it possible to assist CEP financially as soon as feasible so as to enable this important process to move forward. The ability of the United Nations to respond, through UNDP, to the needs of CEP and to provide it with the technical assistance it requires depends on Member States making the necessary funds available.

53. Although there is some risk that existing difficulties may prevent the holding of both rounds of the elections before the end of the year, the aspiration of CEP to have a new legislature in place by 10 January 2000 should be supported. It now appears certain that most of the principal parties will participate in the elections. This is a welcome development and CEP deserves credit for its work. It must use all of the resources at its disposal, in particular the expertise provided by the UNDP consultants, to ensure that the elections will be free, fair and transparent.

54. The Haitian National Police has designed a security plan in preparation for the elections because of concern about a possible increase in security problems during that critical period. As earlier reported, the main areas of concern are communications, logistics, infrastructure, computers and matériel (see S/1999/579, para. 37). Member States have begun to respond positively to the Government's request for assistance with the realization of the HNP security plan either bilaterally or through the authorized use through UNDP of remaining contributions in the United Nations trust fund to assist in the creation of an adequate police force in Haiti. The particularly generous contribution of the Government of Japan for the realization of the security plan is noteworthy, and contributions have also been received from other Member States.

55. The security situation in Haiti remains a matter of concern. In order to avoid a further deterioration in the months leading to the elections, a coordinated effort by the Government, the police service and Haiti's political and civil leaders will be required. Security is the responsibility of all Haitians and the Haitian National Police can operate effectively only if it has the full support of the Government and that of the population at large. The Government's programme of action, which seeks to address some of the more immediate causes of social tension, is a worthy programme and Member States should consider contributing to its realization. However, there is continuing concern in some quarters that withdrawing MIPONUH during the election period might undermine security at a particularly sensitive stage.

56. The support of the Government of Haiti for the recent Economic and Social Council resolution and its close involvement in the related preparatory work were vital to its adoption. On this basis, I am confident that an appropriate mechanism will be found to meet the aspirations of the Government of Haiti as well as the desire of the international community to elaborate a long-term, coordinated and well-managed plan for Haiti's sustainable social, economic and institutional development.

57. I would like to take this opportunity to recognize the valuable contribution made by the Friends of Haiti to the Mission and, in particular, the important assistance that the bilateral programmes of Canada, France and the United States of America have provided to the Haitian National Police. Further, I would like to extend my appreciation to the Governments of France, Japan,

Luxembourg, Norway, the Republic of Korea and the United States of America, which have agreed to the use of the balance of their contributions to United Nations trust funds for Haiti to finance activities related to the upcoming electoral period, including helping HNP to address security concerns.

58. In conclusion, I would like to commend my Representative and head of MIPONUH, Julian Harston, and the Police Commissioner, as well as the international and local staff under their command, for their continued efforts in support of United Nations activities in Haiti.

Annex

Composition of the United Nations Civilian Police Mission in Haiti as at 20 August 1999

Country	Special Police Unit	Civilian police
Argentina	133	4
Benin		11
Canada		24
France		36
Mali		19
Niger		5
Senegal		8
Togo		7
Tunisia		3
United States of America		29
Subtotal	133	146
Total	279	

Map No. 4042 Rev. 6 UNITED NATIONS
August 1999

Department of Public Information
Cartographic Section

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/909
25 August 1999

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF BRAZIL ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 25 August 1999 from the Permanent Mission of Brazil to the United Nations stating that Maria Luiza Ribeiro Viotti and Marcel Fortuna Biato have been appointed alternate representatives of Brazil on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

99-24653 (E) 260899

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/910
28 August 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 23 AUGUST 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 22 August 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, which sets out the facts and circumstances relating to the allegations by Kuwait and the United States of America concerning the Indian vessel that was seized by the Kuwaiti authorities. The purpose of those allegations was to undermine the major impact of the UNICEF report which highlighted the substantial rise in the death rate among Iraqi children as a result of the comprehensive blockade which has been imposed on Iraq for over eight years. The Minister requests you to make these facts known to the members of the Security Council.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Identical letters dated 22 August 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

On 11 August 1999, the Kuwaiti authorities seized an Indian vessel, the Naurani, alleging that it was carrying 250 tons of infant milk, boxes of teats and feeding bottles.

The Government of the Republic of Iraq wishes to state the following facts:

1. The Indian vessel (a launch), the Naurani, was loaded with 75 cartons of talcum powder for babies and 25 cartons of teats and infant feeding bottles of foreign origin.

2. The items mentioned in paragraph 1 above were imported by an Iraqi businessman, Tahsin Mahmud Rastam (private sector), through a businessman in the United Arab Emirates who obtained approval in proper form from the 661 Committee as announced to Agence France-Presse on 19 August 1999.

3. In accordance with Iraqi legislation, imported customs-bonded goods can be released only after laboratory tests had been made to verify that they are in good condition in accordance with standard Iraqi specifications. The goods referred to in paragraph 1 above therefore remained in customs bond in Basra Governorate pending completion of the laboratory tests. When samples of the two items mentioned in paragraph 1 above were tested by the Medicinal and Biological Monitoring Laboratory of the Iraqi Ministry of Health, it was found that they were not in conformity with the standard specifications, and the Ministry of Health requested the importer, the businessman Tahsin Mahmud Rastam, to return the consignment to the supplier in the United Arab Emirates. Accordingly, the items referred to did not enter the Iraqi market at all.

On 11 August 1999, James Rubin, the official spokesman of the United States Department of State, said that Iraq had re-exported infant dried milk powder that had been imported under the oil-for-food and medicines programme. He considered that to be a violation of the unjust blockade imposed on Iraq, and regarded the national leadership of Iraq as being responsible for the suffering of the Iraqi people. As the Office of the Iraq Programme and the Security Council Committee established by resolution 661 (1990) are aware, Iraq did not import baby powder, infant feeding bottles or teats under the Memorandum of Understanding during any of its previous phases and the items that were returned to the supplier were not milk but merely goods imported by the private sector as stated above.

The exploitation of such a commercial operation, which is a well established feature of all commercial exchanges, whether between States, companies or individuals in all States throughout the world, in an immoral manner and for dubious and cheap political motives and publicity, in coordination with the United States Administration, is a desperate attempt to cover up the genocide to which the Iraqi people have been subjected for over

eight years as a result of the continuation of the unjust embargo. Such statements are also desperate attempts to undermine the major impact of the UNICEF report of July 1999 which highlighted the substantial rise in the death rate among Iraqi children as a result of the comprehensive embargo that has been imposed on Iraq for over eight years, and which the United States Administration insists on perpetuating in order to attain dubious political objectives, without regard for the fate of hundreds of thousands of Iraqi children.

This campaign of misinformation calls to mind the episode of the children's homes which was fabricated by the former ambassador of the Kuwaiti regime in Washington who employed a United States public relations company to produce a documentary film in which his daughter, Nairah, played the part of a witness. The fabrication of lies is an activity with which the Kuwaiti regime is entirely familiar. Similarly, the United States Administration has always been engaged in spreading misinformation and distorting the truth, a case in point being its transformation of talcum powder for babies into children's dried milk powder.

The Government of the Republic of Iraq condemns and deplores such tendentious fabrications for publicity purposes which are intended to attain dubious political objectives that are known to everyone and asks you to make the facts known to world public opinion and to request the United States Administration to desist from such mendacious publicity campaigns by means of which it is attempting to achieve its private interests to the detriment of the interests, security, sovereignty and independence of the Iraqi people.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/911
25 August 1999

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling the statements of its President of 29 June 1998 (S/PRST/1998/18), 12 February 1999 (S/PRST/1999/6) and 8 July 1999 (S/PRST/1999/21),

Noting recent efforts to bring to an end the use of children as soldiers in violation of international law, in International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour which prohibits forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict, and in the Rome Statute of the International Criminal Court in which conscripting or enlisting children under the age of fifteen into national armed forces or using them to participate actively in hostilities is characterized as a war crime,

1. Expresses its grave concern at the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development;

2. Strongly condemns the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement, recruitment and use of children in armed conflict in violation of international law, and attacks on objects protected under international law, including places that usually have a significant presence of children such as schools and hospitals, and calls on all parties concerned to put an end to such practices;

3. Calls upon all parties concerned to comply strictly with their obligations under international law, in particular the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977 and the United Nations Convention on the Rights of the Child of 1989, and stresses the responsibility of all States to bring an end to impunity and their obligation to prosecute those responsible for grave breaches of the Geneva Conventions of 12 August 1949;

4. Expresses its support for the ongoing work of the Special Representative of the Secretary-General for Children and Armed Conflict, United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), other parts of the United Nations system and other relevant international organizations dealing with children affected by armed conflict, and requests the Secretary-General to continue to develop coordination and coherence among them;

5. Welcomes and encourages efforts by all relevant actors at the national and international level to develop more coherent and effective approaches to the issue of children and armed conflict;

6. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and expresses the hope that it will make further progress with a view to finalizing its work;

7. Urges all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

8. Calls upon parties to armed conflicts to undertake feasible measures during armed conflicts to minimize the harm suffered by children, such as "days of tranquillity" to allow the delivery of basic necessary services, and further calls upon all parties to armed conflicts to promote, implement and respect such measures;

9. Urges all parties to armed conflicts to abide by concrete commitments made to ensure the protection of children in situations of armed conflict;

10. Urges all parties to armed conflicts to take special measures to protect children, in particular girls, from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict and to take into account the special needs of the girl child throughout armed conflicts and their aftermath, including in the delivery of humanitarian assistance;

11. Calls upon all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

12. Underscores the importance of the safety, security and freedom of movement of United Nations and associated personnel to the alleviation of the impact of armed conflict on children, and urges all parties to armed conflicts to respect fully the status of United Nations and associated personnel;

13. Urges States and all relevant parts of the United Nations system to intensify their efforts to ensure an end to the recruitment and use of children in armed conflict in violation of international law through political and other efforts, including promotion of the availability of alternatives for children to their participation in armed conflict;

14. Recognizes the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations, particularly children, and, in this regard, it recalls resolution 1209 (1998) of 19 November 1998 which, inter alia, stresses the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts, and which urged international collaboration in combating illegal arms flows;

15. Urges States and the United Nations system to facilitate the disarmament, demobilization, rehabilitation and reintegration of children used as soldiers in violation of international law, and calls upon, in particular, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF, UNHCR and other relevant agencies of the United Nations system to intensify their efforts in this regard;

16. Undertakes, when taking action aimed at promoting peace and security, to give special attention to the protection, welfare and rights of children, and requests the Secretary-General to include in his reports recommendations in this regard;

17. Reaffirms its readiness when dealing with situations of armed conflict:

(a) to continue to support the provision of humanitarian assistance to civilian populations in distress, taking into account the particular needs of children including, inter alia, the provision and rehabilitation of medical and educational services to respond to the needs of children, the rehabilitation of children who have been maimed or psychologically traumatized, and child-focused mine clearance and mine-awareness programmes;

(b) to continue to support the protection of displaced children including their resettlement by UNHCR and others as appropriate; and

(c) whenever adopting measures under Article 41 of the Charter of the United Nations, to give consideration to their impact on children, in order to consider appropriate humanitarian exemptions;

18. Reaffirms also its readiness to consider appropriate responses whenever buildings or sites which usually have a significant presence of children are specifically targeted in situations of armed conflict, in violation of international law;

19. Requests the Secretary-General to ensure that personnel involved in United Nations peacemaking, peacekeeping and peace-building activities have appropriate training on the protection, rights and welfare of children, and urges States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities;

20. Requests the Secretary-General to submit to the Council by 31 July 2000, a report on the implementation of this resolution, consulting all relevant parts of the United Nations system and taking into account other relevant work;

21. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/912
25 August 1999

ORIGINAL: ENGLISH

LETTER DATED 25 AUGUST 1999 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the duty to report to the Security Council the refusal of the Republic of Croatia to cooperate with the International Tribunal, as required by the Tribunal's Statute. The reasons for making this request are twofold. First, the refusal of the Republic of Croatia to recognize the Tribunal's jurisdiction over alleged criminal activity occurring during and in the aftermath of "Operation Flash" and "Operation Storm". Second, the continuing refusal of the Republic of Croatia to surrender and transfer Mladen Naletilić (also known as "Tuta"), who has been indicted by the Tribunal.

On 28 July 1999, I received a "Request by the Prosecutor under rule 7 bis (B) that the President Notify the Security Council of the Failure of the Republic of Croatia to Comply with its Obligations under Article 29" ("the Request").

The Request relates, inter alia, to the failure of the Republic of Croatia to provide evidence and information sought by the Prosecutor concerning Operation Flash and Operation Storm. The Prosecutor has sought this evidence and information so that an investigation may be conducted into alleged criminal activity occurring in conjunction with and immediately after those campaigns. The Republic of Croatia has failed to cooperate in that investigation by refusing to provide documents requested by the Prosecutor. Although a Trial Chamber is the final arbiter of whether those campaigns fall within the International Tribunal's jurisdiction, a State may not under the Statute and international law refuse to cooperate because of its unilateral determination that the subject of the investigation is not within the jurisdiction of the Tribunal.

Mr. Naletilić was indicted by the International Tribunal on 21 December 1998. He was apparently convicted in the Republic of Croatia for crimes unrelated to the charges as set forth in the indictment of the Tribunal. He is currently in Croatian custody awaiting sentencing for the crimes of which the Croatian court convicted him. The Republic of Croatia has refused requests by the Prosecutor to transfer him to the Tribunal. Article 29 (2) (e) of the

Tribunal's Statute requires States to comply without undue delay with any request for assistance for the transfer of the accused to the Tribunal.

The International Tribunal's Rules of Procedure and Evidence provide, under rule 7 bis (B), that when the Prosecutor satisfies the President of the Tribunal that a State has failed to comply with its obligations under the Tribunal's Statute, "the President shall notify the Security Council thereof". I have made a finding, pursuant to rule 7 bis (B), that the Republic of Croatia has failed to meet its obligations under article 29 of the Statute of the Tribunal. These findings are set forth in the attached letter to the Prosecutor dated 25 August 1999.

The Security Council created the International Tribunal to investigate and prosecute persons responsible for some of the most horrific violations of international humanitarian law. As a subsidiary organ of the Security Council, and because the Tribunal lacks mechanisms to enforce State compliance, we rely on the Security Council to bring non-cooperating States into compliance. I respectfully urge you to provide the support necessary to enable the Tribunal to discharge its mandate. To this end, I respectfully request the Security Council to take measures that are sufficiently compelling to bring the Republic of Croatia into compliance with its obligations under international law.

(Signed) Gabrielle KIRK McDONALD
President

Annex

Letter dated 25 August 1999 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

On 28 July 1999, your office submitted a Request under Rule 7 bis (B) (hereinafter, "the Request") formally requesting that I notify the Security Council that the Republic of Croatia has failed to meet its obligations under article 29 of the Statute of the Tribunal. In this regard, the Republic of Croatia has sent two letters to me, dated 23 July 1999 and 30 July 1999, for my consideration. Having considered the relevant materials, the Statute, and the Rules of Procedure and Evidence, I herewith set forth my conclusions.

In the Request, which includes four annexes, you raise three primary issues for my consideration: (1) the alleged failure of the Republic of Croatia to respond to your numerous requests for evidence and information, particularly the "Consolidated Request"; (2) the alleged refusal of the Republic of Croatia to accept the jurisdiction of the Tribunal over crimes committed during and in the aftermath of operations "Flash" and "Storm"; and (3) the alleged failure of the Republic of Croatia to surrender and transfer two individuals indicted by the Tribunal. Each of these points will be discussed separately.

With respect to the history of requests for assistance, you indicate that to date your office has forwarded 119 requests of various kinds to the Croatian Government. You acknowledge that the Republic of Croatia has complied with most of your requests for assistance with the production of evidence (Request, para. 2). However, based on the assertions in paragraphs 2 to 5 and 9 of the Request, it appears that the Republic of Croatia has failed to fully comply with all of your requests for such assistance. As a result of the failure of the Republic of Croatia to respond to all of your requests, your office prepared a "Consolidated Request" on 22 June 1999. This Consolidated Request listed and formally renewed 13 outstanding requests for assistance. You requested the Croatian authorities to respond within three weeks from the date of the Consolidated Request. You state that no response has been received from the Croatian authorities (Request, para. 9).

The Statute, Rules of Procedure and Evidence and case law of the Tribunal provide mechanisms governing the conduct of investigations. For example, article 29 (2) requires States to comply without undue delay with any request for assistance or an order issued by a Trial Chamber for the production of evidence. Rule 39 (iv) provides that, "In the conduct of an investigation, the Prosecutor may request such orders as may be necessary from a Trial Chamber or a Judge". Similarly, rule 54 permits a Judge or Trial Chamber to issue orders and subpoenas "as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial".

In the present matter, the Republic of Croatia contends that some of the requested documents relate to its national security. As you are aware, in the Blaškić case, the Appeals Chamber in its 29 October 1997 Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997 ("Blaškić Judgement") provided explicit guidelines concerning orders to States regarding evidence that States may wish to withhold on national security grounds. That Judgement was rendered in the context of an ongoing trial; however, many of the guidelines nevertheless apply in the present situation. Although a State may not unilaterally assert national security claims and thereby refuse to surrender requested documents, the Appeals Chamber acknowledged that "in camera, ex parte proceedings might be held so as to scrutinize the validity of States' national security claims" (Blaškić Judgement at para. 67). It also suggested modalities for making allowance for national security claims.

At present, there are numerous binding orders directed at the Republic of Croatia that have been challenged, some of which are pending before the Tribunal, including a Request for Review by the Republic of Croatia pursuant to rule 108 bis. Under these circumstances, the better approach is to utilize rule 39 (iv) and request a binding order from a Judge. That Judge would then apply the guidelines from the Blaškić Judgement. In accordance with that Judgement, the Republic of Croatia would be permitted to assert its national security claims. Further, this procedure would allow a Judge to compare the many requests made before other Chambers and the action taken regarding such requests.

This approach is also consistent with the position you advanced before the Appeals Chamber in the Blaškić Judgement case, in which you stated that "[A]s a matter of policy and in order to foster good relations with States, ... cooperative processes should wherever possible be used, ... they should be used first, and ... resort to mandatory compliance powers expressly given by article 29 (2) should be reserved for cases in which they are really necessary". (Blaškić Judgement at para. 31, citing to Prosecutor's Brief at p. 15.) In the Request, you state that some requests for documents have been pending since 1995.

Therefore, at this stage I decline to make a finding that the Republic of Croatia is in non-compliance with its obligation to provide evidence and information to the Tribunal as it pertains to the Consolidated Request.

The second issue raised concerns the specific cases of operations Flash and Storm and the alleged refusal of the Republic of Croatia to accept the Tribunal's jurisdiction over crimes committed during and in the aftermath of those operations (Request, paras. 6-8). You indicate that your office has determined that such alleged crimes "fall properly within the jurisdiction of the Tribunal in all respects" (Request, para. 7). Consequently, your office is investigating crimes that allegedly occurred in connection with those operations.

I note that your position is not that I review your decision to initiate an investigation with respect to operations Flash and Storm. This position is consistent with the reasoning set forth in my letter to you of 16 March 1999,

with respect to your Request pursuant to rule 7 bis (B) concerning the Federal Republic of Yugoslavia. I agree and reiterate that it is neither necessary nor appropriate for the President to review, in the context of rule 7 bis (B), the Prosecutor's decision that there is a sufficient basis to initiate an investigation under article 18 of the Statute. In reaching this conclusion, I refer to article 16 (2) of the Statute that provides that the Prosecutor shall act independently as a separate organ of the Tribunal and article 18 of the Statute which provides that the Prosecutor "shall initiate investigations". It is clear from the plain meaning of these provisions that only the Prosecutor may initiate investigations and that the President has no role in this regard. Moreover, because rule 7 bis (B) cannot be interpreted or applied in a manner that is inconsistent with the Statute, I do not have the authority to conduct a review of the appropriateness of your decision to investigate operations Flash and Storm - or any other investigation.

You indicate that the Republic of Croatia has "unilaterally refused to provide certain information requested by the Prosecutor" in relation to these "campaigns" (Request, para. 6). The eventual determination of whether the alleged crimes committed during the course of these operations is within the jurisdiction of the Tribunal is obviously for a Trial Chamber to make. However, the Statute and Rules of Procedure and Evidence clearly do not permit a State to thwart the conduct of an investigation by simply asserting that the Tribunal has no jurisdiction. Article 18 (2) of the Statute allows the Prosecutor to seek the assistance of the State authorities concerned as she collects evidence. Article 29 (1) imposes an obligation on States to cooperate with the Tribunal in its investigations and prosecutions. Consequently, I find the Republic of Croatia to be in non-compliance with its obligations under article 29 of the Statute with respect to its refusal to provide evidence pertaining to Operation Flash and Operation Storm on the asserted ground that the Tribunal lacks jurisdiction. The specific requests, however, are also subject to the guidelines set forth by the Appeals chamber in the Blaškić Judgement.

The final issue for consideration is the alleged failure of the Republic of Croatia to surrender and transfer two individuals indicted by the Tribunal and in the custody of the Republic of Croatia. One of these individuals, Vinko Martinović (also known as "Štela"), was transferred to the custody of the Tribunal on 9 August 1999, after the Request was made. Therefore, with respect to that accused, the Republic of Croatia is now in compliance with its obligations under article 29 of the Statute. Thus, the following discussion pertains to the transfer of Mladen Naletilić (also known as "Tuta") only. Mr. Naletilić was indicted on 21 December 1998. He was apparently convicted in the Republic of Croatia for crimes unrelated to the charges as set forth in the indictment of the Tribunal. He is currently in Croatian custody awaiting sentencing for the crimes of which the Croatian court convicted him.

Article 29 (2) (e) requires States to comply without undue delay with any request for assistance for the surrender or the transfer of the accused to the Tribunal. You have made such a request for assistance to the Croatian authorities and yet they have not transferred Mr. Naletilić, notwithstanding the fact that he is in their custody. Consequently, I find that the Republic of Croatia is in non-compliance with its obligation pursuant to article 29 with respect to the surrender and transfer of Mr. Naletilić.

In conclusion, I find that the Republic of Croatia is in non-compliance with its obligations under article 29 of the Statute with respect to (1) its refusal to provide the evidence requested relating to Operation Flash and Operation Storm based on its assertion that the Tribunal lacks jurisdiction over these campaigns and (2) its failure to surrender and transfer Mladen Naletilić (also known as "Tuta"). Consequently, I shall report this non-compliance to the Security Council pursuant to rule 7 bis (B).

(Signed) Gabrielle KIRK McDONALD
President

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/913
25 August 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 23 AUGUST 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with a view to accelerating the implementation of the process begun on 10 July 1999 by the signing in Lusaka (Zambia) of the agreement on a ceasefire in the Democratic Republic of the Congo (S/1999/815, annex), I have the honour to request you to call an urgent meeting of the Security Council for the purpose of authorizing the Secretary-General of the United Nations to designate special envoys in Rwanda and Uganda respectively in order to secure from these two countries:

(a) Respect for the commitments which they undertook by signing on 10 July 1999 the agreement on a ceasefire in the Democratic Republic of the Congo;

(b) The signing of this ceasefire agreement by their protégés, namely the so-called rebels of the Rallye Congolaise pour la démocratie (Congolese Rally for Democracy) (RCD) and the Mouvement de libération du Congo (Movement for the Liberation of the Congo) (MLC);

(c) The immediate halting of all the activities which these two countries are carrying out in the territory of the Democratic Republic of the Congo;

(d) The immediate departure of their invasion forces so that peace and national harmony may again prevail in the Democratic Republic of the Congo.

My Government requests you to have the text of this letter circulated as a document of the Security Council.

(Signed) André Mwamba KAPANGA
Permanent Representative

99-24595 (E) 250899 250899

UNITED
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Security Council

Distr.
GENERAL

S/1999/914
26 August 1999

ORIGINAL: ENGLISH

LETTER DATED 26 AUGUST 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward a letter from Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, requesting an urgent meeting of the Security Council and adoption of appropriate measures following the discovery of the massacre of Serbian civilians in the village of Ugljare in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-24685 (E) 260899

/...

Annex

Letter dated 25 August 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council

The Yugoslav Government and public are deeply angered and shocked by the realization of the discovery of a new mass grave in which the human remains of 15 civilians of Serbian nationality have been found in the district of the village of Ugljare, near Gnjilane, including Dragan Tomic and two members of the Zdravkovic family who were abducted as early as 10 July 1999 by the terrorists from the ranks of the so-called Kosovo Liberation Army (KLA). The fact that United States members of KFOR, in whose area of responsibility this monstrous crime had been committed, hid deliberately for more than a month the crime from the international public and from the Security Council itself constitutes a concealment of truth, aggravation of the investigation and the protection of those who had issued the orders and perpetrated the crime.

The leadership of KFOR confirmed the basic facts of this unheard-of massacre only today on 25 August and only following an official request by the Yugoslav authorities made on 24 August. It was done without a word of condemnation of the crime or of condolences to the families of the victims. The overall attitude of KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) reflects, no doubt, the tendency to manipulate the international public and the Security Council itself, even in cases of massive bestial terrorist massacres. The aim was to hinder information and, by the same token, reactions by the international public and the Security Council itself over the crime discovered only one day after the massacre of 14 Serbian civilians in the village of Staro Gracko. This does not speak only of a tolerant attitude, but also about a deliberate protection of the separatist-terrorist so-called KLA in order to shun possible responsibility for daily killings, abductions, the destruction and burning of Serbian medieval monasteries and cultural monuments - in which way KFOR becomes practically an accomplice in the great evil against the Serbian people in a flagrant massive violation of human rights and the campaign of ethnic cleansing.

The Yugoslav Government and public is concerned, in particular, over the slow and altogether inefficient investigation of daily crimes committed throughout the Province, the tolerant and protective attitude towards Albanian terrorists and criminal gangs, whereby they are encouraged to realize their plan of ethnic cleansing of all of the non-Albanian population. UNMIK and KFOR countenance massive daily violations of the basic human rights of the Serbs and non-Albanians by the terrorists of the so-called KLA, roaming masses of Albanians from Albania and Macedonia who commit the most heinous crimes in the Yugoslav territory, such as illegal traffic in drugs, weapons and white slavery. By taking such a position, KFOR and UNMIK violate flagrantly Security Council resolution 1244 (1999) and the military-technical agreement, which calls for adequate reaction and appropriate measures of the Security Council.

Considering the gravity of the situation in Kosovo and Metohija, illustrated in a tragic way by the coordinated and massive massacres of Serbs at

Staro Gracko and Ugljare, the Yugoslav Government calls for an urgent meeting of the Security Council and expects the Security Council to condemn categorically and in the strongest terms the most recent massive crime, to order an efficient and thorough investigation with the participation of Yugoslav forensic experts in order to find, arrest and punish the perpetrators of these crimes and those who issued them the orders.

At the same time, the Government of the Federal Republic of Yugoslavia recalls its past communications to the Security Council and the Secretary-General and demands that:

- The Security Council take energetic measures and steps to have KFOR and UNMIK effectively guarantee in practice full personal and property security to Serbian, Montenegrin and other non-Albanian populations in the Province, respect for Yugoslav laws and for public peace and order;

- It put a resolute end to the vandalism and terror of Albanian separatist-terrorist and other criminal gangs;

- It ensure the release of about 300 persons of Serbian nationality abducted by Albanian terrorists since the deployment of KFOR in the Province;

- The terrorist so-called KLA disarm itself without delay and fully and that further illicit trade in weapons from and via neighbouring countries be stopped;

- Conditions be ensured for a free, dignified and secure return of about 200,000 Serbs and non-Albanians driven out from the Province in the campaign of ethnic cleansing in the period since the taking over of the responsibility for the security of the population by KFOR and UNMIK;

- All foreign citizens who have entered the territory of the Federal Republic of Yugoslavia illegally be deported;

- A contingent of the Yugoslav Army and police return to the Province in accordance with Security Council resolution 1244 (1999) and the military-technical agreement.

Taking energetic measures and steps by the Security Council and KFOR and UNMIK along the said lines is the only way to ensure the cessation of the daily terror, murders, abductions and ethnic cleansing, to protect the threatened reputation and credibility of the world Organization and to ensure the necessary conditions for a political solution in the Province on the basis of Security Council resolution 1244 (1999) and with respect for the principles of the Charter of the United Nations.

(Signed) Zivadin JOVANOVIC

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/915
26 August 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 25 AUGUST 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that, between 15 and 21 August 1999, United States and British aircraft, taking off from their bases in Saudi Arabia, Kuwait and Turkey, continued to violate Iraqi airspace, carrying out acts of aggression, observation and provocation, as specified in the list annexed hereto.

I should be grateful if you would intervene with the United States of America, the United Kingdom and the States which are providing them with facilities in order to commit these acts of aggression, namely, Saudi Arabia, Kuwait and Turkey, with a view to halting such acts, which endanger the sovereignty and territorial integrity of the Republic of Iraq and constitute blatant violations of the Charter of the United Nations and the rules of international law.

These acts continue to cause hundreds of deaths and injuries among the civilian population and material damage to private and public property. The logistical support provided by Saudi Arabia, Kuwait and Turkey to the Americans and the British makes them essential accomplices in the aggression against Iraq, and they therefore bear international responsibility for these acts. The Republic of Iraq reaffirms its right to demand reparation for the harm inflicted on the Iraqi people through the aforementioned acts.

I should be grateful if you would have this letter and its annex, which enumerates the violations of Iraqi airspace, circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 15-21 August 1999

1. In the northern region 20 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of between 6,000 and 12,000 metres over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Irbil, Zakho, Baibo, Ayn Zalah, Tall Kayf, Sanjar, Rawanduz and Ba'shiqah.

2. In the southern region 246 sorties were flown at speeds of 720 to 780 kilometres per hour and at an altitude of between 9,000 13,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Basra, Amarah, Artawi, Jalibah, Salman, Busayyah, Lasaf, Qurnah, Afak, Qal'at Salih, Qal'at Sukkar, Rifa'i, Ushbayjah, Shinafiyah, Qadisiyah, Sharqi, Hayy, Hawr al-Himar, Maymunah, Rumaythah, Taqtaqanah, Shu'aybah, Najaf, Shatrah, Ansab and Umm Qasr.

3. At 1102 hours on 15 August 1999, United States and British F-14, F-15, F-16 and F-18 aircraft violated Iraqi airspace in the southern region, coming from Saudi and Turkish airspace. They flew 22 sorties, 18 from Saudi airspace and 4 from Kuwaiti airspace, supported by an AWACS command and control aircraft from inside Saudi airspace and by an E-2C aircraft from inside Kuwaiti airspace. These aircraft overflew the areas of Ushbayjah, Mu'ayanah, Khidr, Artawi, Salman, Samawah, Nasiriyah, Rifa'i, Qal'at Sukkar and Jalibah. Our air defences engaged them in self-defence and drove them off at 1210 hours.

4. At 1015 hours on 15 August 1999, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft violated Iraqi airspace in the northern region, coming from Turkish airspace. They flew 18 sorties over the areas of Dohuk, Mosul, Zakho, Amaliyah, Irbil, Aqrah and Rawanduz. Our air defences engaged the aircraft in self-defence and drove them off at 1335 hours.

5. At 1150 hours on 15 August 1999 enemy aircraft fired two laser-guided missiles at the Nasiriyah highway.

6. At 1030 hours on 16 August 1999, United States and British F-14, F-15, F-16 and Tornado aircraft violated Iraqi airspace in the northern region, coming from Turkish airspace and supported by an AWACS early-warning aircraft from inside Turkish airspace. They flew 20 sorties over the areas of Irbil, Dohuk, Mosul, Tall Afar, Zakho, Amaliyah and Aqrah. Our air defences engaged them in self-defence and drove them off at 1335 hours.

7. At 1510 hours on 16 August 1999, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft violated Iraqi airspace in the southern region, coming from Saudi and Kuwaiti airspace. They flew 56 sorties, 48 from Saudi airspace and 8 from Kuwaiti airspace, supported by an AWACS command and control aircraft from inside Saudi airspace and by an E-2C aircraft from inside Kuwaiti airspace. The aircraft overflew the areas of Lasaf, Salman, Artawi, Basra, Samawah, Qurnah and Rifa'i. Our air defences engaged them in self-defence and drove them off at 1545 hours.

8. Between 1054 and 1301 hours on 16 August 1999, United States and British aircraft fired a laser-guided missile at a site in the area of Kut, killing three people and wounding eight.

9. At 1035 hours on 17 August 1999, United States and British aircraft violated Iraqi airspace in the northern region, coming from Turkish airspace and supported by an AWACS early-warning aircraft from inside Turkish airspace and by F-14, F-15, F-16 and Tornado aircraft. They flew 22 sorties over the areas of Dohuk, Aqrah, Pibu, Amadiyah, Zakho, Rawanduz and Mosul. Our air defences engaged them in self-defence and drove them off at 1345 hours.

10. At 1355 hours on 17 August 1999, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft violated Iraqi airspace in the southern region, coming from Saudi and Kuwaiti airspace. They flew 48 sorties, 14 from Kuwaiti airspace and 34 from Saudi airspace, supported by an AWACS command and control aircraft from inside Saudi airspace and by an E-2C aircraft from inside Kuwaiti airspace. They overflew the areas of Ushbayjah, Hayy, Artawi, Hawr al-Himar, Jalibah, Qal'at Sukkar, Rifa'i, Rumaythah, Samawah, Kut, Aziziyah, Afak, Shaykh Sa'd, Diwaniyah, Ali al-Gharbi, Badrah and Jasan. Our air defences engaged them in self-defence and drove them off at 2135 hours.

11. At 1535 hours on 18 August 1999, United States and British F-14, F-15, F-18, F-16, Tornado and EA-6B aircraft violated Iraqi airspace in the southern region, coming from Saudi and Kuwaiti airspace. They flew 58 sorties, 24 from Kuwaiti airspace and 34 from Saudi airspace, supported by an AWACS command and control aircraft from inside Saudi airspace and by an E-2C aircraft from inside Kuwaiti airspace. They overflew Ushbayjah, Taqtaqanah, Samawah, Afak, Ali al-Gharbi, Ali al-Sharqi, Hayy and Nu'maniyah. Our air defences engaged them in self-defence and drove them off at 2205 hours.

12. At 1155 hours on 19 August 1999, United States and British F-14, F-16, F-15, F-18 and Tornado aircraft violated Iraqi airspace in the southern region, coming from Saudi and Kuwaiti airspace. They flew 18 sorties from inside Saudi airspace and 20 from inside Kuwaiti airspace supported by two AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the areas of Artawi, Jalibah, Nasiriyah, Samawah, Suq al-Shuyukh, Ramaythah, Qal'at Salih, Shatrah, Rifa'i, Maymunah and Ushbayjah. Our defences engaged them in self-defence and drove them off at 1855 hours.

13. At 1035 hours on 20 August 1999, United States and British F-15 aircraft violated Iraqi airspace in the southern region, coming from Saudi airspace and supported by an AWACS early warning aircraft from inside Saudi airspace. They flew 16 sorties over the areas of Basra, Salman and Ushbayjah. Our air defences engaged them in self-defence and drove them back at 1100 hours.

14. At 0810 hours on 21 August 1999, United States and British F-15 and F-16 aircraft violated Iraqi airspace in the southern region, coming from Saudi airspace. They flew 18 sorties from Saudi airspace, supported by an AWACS command and control aircraft, over the areas of Lasaf, Ushbayjah and Mu'ayanah. Our air defences engaged them in self-defence and drove them off at 1030 hours.

UNITED
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Security Council

Distr.
GENERAL

S/1999/916
27 August 1999

ORIGINAL: ENGLISH

LETTER DATED 27 AUGUST 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour in my capacity as Chairman of the Islamic Group at the United Nations to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations, during the Council's discussion of the item on the situation in Afghanistan.

(Signed) Hilaire SOULAMA
Chargé d'affaires a.i.

99-24776 (E) 270899